

Notice of Allowability

Application No.

09/527,106

Examiner

Elizabeth Quan

Applicant(s)

HUNICKE-SMITH ET AL.

Art Unit

1743

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to telecommunication held 3/11/2004.
2. ☒ The allowed claim(s) is/are 1-5 and 7.
3. ☐ The drawings filed on _____ are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
 - * Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☒ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☒ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date 03112004.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date 04192000
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date 03112004.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with James F. Kamp on 3/11/2004.

The application has been amended as follows:

- a. In claim 1, line 18, before "reagent shelf", delete "a" and insert --said--.
- b. In claim 1, line 18, after "supports,", delete "which is".
- c. In claim 1, line 19, before "reagent containers", delete "capable of supporting a plurality of" and insert --one or more--.
- d. In claim 1, line 19, after "each", delete "reagent container".
- e. In claim 1, line 22, before "tube connecting", delete "dispensing".
- f. In claim 1, line 25, after "the valves being actuated by", delete "the" and insert --a--.
- g. In claim 1, line 27, after "liquid from the", delete "synthesis" and insert --multiwell--.
- h. In claim 3, line 2, after "liquid from the", delete "synthesis" and insert --multiwell--.
- i. In claim 3, line 3, before "plate to force liquid to drain", delete "synthesis" and insert --multiwell--.

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- j. In claim 4, line 2, after “the liquid from the”, delete “synthesis” and insert --multiwell--.
 - k. In claim 4, line 11, after “a seal with the”, delete “synthesis” and insert --multiwell--.
 - l. In claim 4, line 14, before “and increases pressure”, delete “synthesis block” and insert --multiwell plate--.
 - m. In claim 7, line 2, after “case are”, delete “Teflon”.
 - n. In claim 7, line 2, after “coated”, insert “with polytetrafluoroethylene”.
 - o. Cancel claims 6 and 8.
 - p. In the specification, page 1, line 29, after “apparatus for”, delete “oligonucleotide” and insert --oligonucleotide--.
 - q. In the specification, page 3, line 18, after “a plurality of reagent”, delete “contains” and insert --containers--.
 - r. In the specification, page 3, line 20, after “reagent container also”, delete “dispense” and insert --dispenses--.
 - s. In the specification, page 6, line 4, after “that are connected to” delete “mutichannel” and insert --multichannel--.
2. The following changes to the drawings have been approved by the examiner and agreed upon by applicant: In FIGS. 6 and 7, the arrow pointing at the filters and labeled with reference character “82” should be labeled as reference character “97”. The reason for this change is that reference character “82” appears twice in FIG. 7 and the specification refers to the distensible air space with reference character “82” on page 8, line 17 and filter with reference character “97” on

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page 9, line 16. In order to avoid abandonment of the application, applicant must make these above agreed upon drawing changes.

3. The following is an examiner's statement of reasons for allowance: The prior art of record fail to teach or fairly suggest the combination of limitations, including a polymer synthesis apparatus comprising a base on which sits a synthesis case, synthesis block, means of moving the synthesis block, and the lower end of supports for a reagent shelf; the synthesis case comprising a load station, drain station, an aqueous reagent filling station, and a non-aqueous reagent filling station; the synthesis case having a cover, first and second side, first and second end, and bottom side which contacts the base and having a top face in which there are tracks on which the synthesis block moves back and forth; the synthesis block having a top face, an opening in the top face for a multiwell plate, and collection area under the multiwell plate to drain spent reagents and optionally accommodate a sample tray; means of moving the synthesis block back and forth on the tracks in the synthesis case; load station comprising a sealable opening in the synthesis case through which a multiwell plate can be inserted into the synthesis block; the reagent shelf connected to the upper ends for supporting one or more reagent containers; one or more reagent containers each having a tube connecting to a gas source, the gas source having the effect of expelling a controlled amount of reagent from the container, and a tube for dispensing the reagent, the tube connecting at its other end to valves that have additional tubes connected to multi-channel manifolds, which in turn have tubes connecting to nozzle blocks at the aqueous and non-aqueous filling stations; the valves being actuated by a computer to dispense fluid to desired wells in the multiwell plate; and a means of draining liquid from the multiwell plate.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Elizabeth Quan whose telephone number is (571) 272-1261. The examiner can normally be reached on M-F (8:00-4:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jill Warden can be reached on (571) 272-1267. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Elizabeth Quan
Examiner
Art Unit 1743

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Jill Warden
Supervisory Patent Examiner
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